

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

OA No.1763/88

Date of decision: 25.5.93

Sh. Jagdish Saran Sharma ....  
versus  
Union of India through  
Secretary (Posts)  
Ministry of Communications  
& ors. ....

Petitioner

Respondents

CORAM: THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

For the Petitioner ....

None

For the Respondents ....

Sh. P.P. Khurana, Counsel

JUDGEMENT (ORAL)

(BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

Neither the petitioner nor his counsel is present although we waited for some time. Shri P.P. Khurana, counsel is present on behalf of the respondents. Since this is an old matter, we proceed to dispose of the same with the assistance of the learned counsel for the respondents and after going through the record,

The grievance of the applicant is that he is drawing less pay than his junior Sh. Ram Milan Raj. He has prayed that his pay should be stepped up to the level of pay which his junior Sh. Ram Milan Raj is drawing. Similarly, as his junior is getting more pension, his pension should also be stepped up to the level of his junior. Next relief prayed for is that the special pay of Rs. 45 should be included in the basic pay for the purpose of fixation and lastly he should be promoted to the cadre of Higher Selection Grade

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from the date his juniors Sh.M.L.Bagga and Sh.Dayal Chand were promoted in that cadre.

The respondents in their reply have stated that the difference in the pay of the petitioner and Sh.Ram Milan Raj is due to the fact that the petitioner opted for fixation of pay on 1.1.86 in the revised scale whereas his junior Sh.Ram Milan Raj opted for fixation of pay in the revised scale with effect from 1.11.86 i.e. after he has drawn increment in the existing scale of pay after 1.1.1986. Accordingly, the pay of his junior was fixed at Rs.1720+ special pay Rs.90 as on 1.11.86. On the other hand, the petitioner was fixed in the revised scale at Rs.1600+Special Pay Rs.90 with effect from 1.1.86. Since the junior is drawing higher pay on account of his option for fixation of pay after drawing increment in the existing scale on 1.11.86, the petitioner is not entitled to stepping up of pay to the level of his junior. This position is clear from the chart given by the respondents in para 4.5 of their reply. The respondents have further stated that the petitioner could not be promoted to H.S.G-II in May 1987 on ad hoc basis as at that point of time, disciplinary proceedings were contemplated against him. He was promoted to the grade of H.S.G-II after the disciplinary proceedings were completed. Regarding reckoning of special pay of Rs.45 for purposes of fixation of his pay, the respondents have averred that on the date of promotion of the petitioner to H.S.G. on 1.4.87, he was not working on the post carrying Special Pay but was working as SRO which carries special allowance of Rs.35/- As such, he was not entitled to the benefit of reckoning of Special Pay for the purpose of fixation in the

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revised scale.

We have considered the matter carefully and we do not see any reason to disbelieve the averments made by the respondents in their counter-affidavit. The OA is, therefore, bereft of merit and is dismissed. No costs.

J. P. Sharma

(J. P. SHARMA)  
MEMBER (J)

25.5.92

I. K. Rasgotra

(I. K. RASGOTRA)  
MEMBER (A)

Snc

MP-1944/92

Filed.